

## REMARKS

1. In response to the Office Action mailed May 11, 2006, Applicants respectfully request reconsideration. Claims 41-55 were last presented for examination. Claims 41-46 were rejected in the outstanding Office Action. Claims 47-55 were withdrawn from consideration. No claims have been amended. Claims 56-65 have been added or claims 41-46 cancelled. Thus, upon entry of this paper, claims 47-65 will remain pending in this application. Of these nineteen (19) claims, two (2) claims (claims 47 and 56) are independent. Based on the above Amendments and following Remarks, Applicants respectfully request that the outstanding objections and rejections be reconsidered, and that they be withdrawn.
2. Support for new claim 56 is found in the specification on page 8, line 3 to page 9, line 18, page 10, lines 17-20, page 11, line 3 to page 12, line 25, and page 13, lines 12-26, in Figure 7, and in originally filed claims 1 and 14, as well as elsewhere throughout the originally filed specification, drawings and claims. Support for new claim 57 is found in the specification on page 8, lines 9 to 11, and in originally filed claims 1 and 2, as well as elsewhere throughout the originally filed specification, drawings and claims. Support for new claim 58 is found in the specification on page 11, line 3 to page 12, line 25, in Figures 4a, 4b, and 5, and in originally filed claim 20, as well as elsewhere throughout the originally filed specification, drawings and claims. Support for new claims 59 and 60 is found in the specification on page 11, line 3 to page 12, line 25, in Figures 4a, 4b, and 5, and in originally filed claims 20 and 21, as well as elsewhere throughout the originally filed specification, drawings and claims. Support for new claim 61 is found in the specification on page 8, lines 16-20, in Figures 1, 3, and 7, as well as elsewhere throughout the originally filed specification, drawings and claims. Support for new claim 62 is found in the specification on page 3, lines 2-4, page 8, lines 18-21, in Figures 1 and 3, as well as elsewhere throughout the originally filed specification, drawings and claims. Support for new claims 63 and 65 is found in the specification on page 13, lines 12-26, as well as elsewhere throughout the originally filed specification, drawings and claims. Support for new claim 64 is found in the specification on page 13, lines 12-26, and in Figure 7, as well as elsewhere throughout the originally filed specification, drawings and claims.

***Art of Record***

3. Applicants acknowledge receipt of form PTO-892 identifying additional references made of record by the Examiner.

***Election/Restrictions***

4. This application was restricted to one of the following inventions under 35 U.S.C. § 121: Group I including claims 41-46, drawn to a liquid handling system (classified in class 422, subclass 100) and Group II including claims 47-55, drawn to a method for transferring liquid (classified in claim 436, subclass 180). Applicants affirm that on May 8, 2006, Applicants elected with traverse to prosecute the invention of Group I (claims 41-46). Claims 47-55 are withdrawn without prejudice or disclaimer by the foregoing Amendments. Applicants reserve the right to pursue the subject matter of the withdrawn claims in a continuation/divisional application.

***Claim Rejections under Section 112***

5. Dependent claims 43-46 have been rejected under 35 U.S.C §112, first paragraph, because the specification, while being enabling for including temperature control devices of the group of claim 43, does not reasonably provide enablement for a cooler being defined as one of the elements of the group. This rejection is rendered moot by the cancellation of claims 43-46.

6. Independent claim 41 and dependent claims 42-46 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner considers that claims 41-46 introduce new matter since “Applicant has provided new claims but has no provided remarks that state where support for the new claims are provided within the original specification.” (*See*, Office Action, page 5.). Applicants know of no authority that supports such a *per se* application of a new matter rejection. As stated by the MPEP, “the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed.” (*See*, MPEP § 2163.). Also the initial burden for assessing written description is on the Examiner. Irregardless of the Examiner’s summary dispensing with his burden, this rejection is rendered moot by the cancellation of claims 41-47.

7. Independent claim 41 and dependent claims 42-46 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is rendered moot by the cancellation of claims 42-46.

***Claim Rejections under Section 102***

8. Independent claim 41 has been rejected under 35 U.S.C §102(b) as being anticipated by U.S. Patent No. 4,058,146 to Citrin (hereinafter “Citrin”). This rejection is rendered moot by the cancellation of claim 41.

9. With respect to new independent claim 56, claim 56 incorporates features of originally filed claim 14, which was allowed by the Examiner in the Office Actions dated March 15, 2000, and August 29, 2000.

***Claim Rejections under Section 103***

10. Dependent claims 42-46 have been rejected under 35 U.S.C §103(a) as being unpatentable over Citrin as applied to claim 41, and further in view of U.S. Patent No. 6,387,236 to Nordman, et al. (hereinafter, “Nordman”). This rejection is rendered moot by the cancellation of claims 42-46.

***Conclusion***

11. In view of the foregoing, this application should be in condition for allowance. A notice to this effect is respectfully requested.

Respectfully submitted,

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